

United States District Court

for the

Western District of New York

United States of America

Case No. 24-MJ-4036

v.

JONATHAN WOODY,

Defendant

CRIMINAL COMPLAINT

I, CHRIS TOSCANO, the complainant in this case, state that the following is true to the best of my knowledge and belief: That between approximately January 1, 2024 through January 4, 2024, in the Western District of New York and elsewhere, the defendant, Jonathan Woody:

Using a means and facility of interstate and foreign commerce, did knowingly persuade, induce, entice, or coerce an individual who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b).

SEE ATTACHED AFFIDAVIT OF FBI TASK FORCE OFFICER CHRISTOPHER TOSCANO.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

CHRISTOPHER TOSCANO, Task Force Officer, FBI
Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: March 7, 2024

City and State: Rochester, New York


Judge's signature

MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

I, CHRISTOPHER TOSCANO, being duly sworn, depose and state:

1. I am a Deputy with the Monroe County Sheriff's Office and have been assigned as a Task Force Officer (TFO) with the FBI's Child Exploitation and Human Trafficking Task Force since 2017. As a TFO, I am responsible for investigating crimes involving child pornography, child exploitation, and human trafficking, among other offenses.

2. I submit this affidavit in support of a criminal complaint charging JONATHAN WOODY with the enticement of a minor in violation of 18 U.S.C. § 2422(b). As set forth below, WOODY used a means and facility of interstate and foreign commerce to persuade, induce and entice a minor to engage in sexual activity for which he could have been charged with a criminal offense.

3. The information contained in this affidavit is based on my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents and records related to this case. Because this affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me as a result of this investigation. Rather, I have set forth the facts that I believe are relevant to establish probable cause to believe that WOODY knowingly violated 18 U.S.C. § 2422(b).

Investigation by the MCSO and GPD

4. On January 2, 2024, at approximately 8:43 pm, the Monroe County Sheriff's Office (MCSO) was dispatched to a residence in Penfield, NY, for the report of a missing 13-year-old boy (the Victim). Deputies spoke with the Victim's mother, who reported that the Victim went for a walk at around 4:30 pm but had not returned home and had not returned her calls or texts. The MCSO began a missing person investigation in an effort to locate the Victim.

5. While the missing person investigation was underway, the Victim returned home at around 11:18 PM. Deputies met with the Victim at his home and asked basic questions about his welfare, after which the Victim was left in the custody of his family.

6. On the following day, January 3, 2024, the Victim's mother made a follow-up report to the MCSO after she searched the Victim's phone. The Victim's mother reported that she discovered sexually suggestive pictures of the Victim, semi-clothed, in a hotel room. The Victim's mother also saw alcohol bottles and marijuana in at least one of the pictures. The Victim's mother provided deputies with the Victim's phone, along with the passcode and a consent to search.

7. The Victim's mother contacted the MCSO a second time on January 3, 2024, after she learned that the Victim met an adult male, now identified as JONATHAN WOODY, at a Greece, NY hotel while he was missing on January 2, 2024. According to the Victim's mother, the adult male (hereinafter "WOODY") sent an Uber to Penfield to pick up the Victim, after which the Uber picked up WOODY and drove both to a hotel in Greece.

Believing that the male engaged in sexual activity with the Victim, the Victim's mother transported the Victim to Strong Memorial Hospital for a sexual assault examination.

8. The Victim's mother searched hotels in Greece, and ultimately went to the Extended Stay hotel located at 600 Centerplace Dr., where she spoke to management. According to the Victim's mother, management identified the room depicted in the photographs on the Victim's phone. The Greece Police Department (GPD) responded to the hotel and were allowed access to room 221, where they located beer bottles, cannabis, and the Victim's black sweatshirt, displaying the number "3" in red. Records provided by Extended Stay indicated that the room was rented by JONATHAN WOODY from January 2 through January 3, 2024, using his New York State Identification Card containing his photograph and pedigree information.

Forensic Examination of the Victim's Phone

9. A forensic analysis of the Victim's phone extracted portions of sexually explicit messages between the Victim and an individual designated as "Jonny" under phone number 585-XXX-2611. "Jonny" is now positively identified as JONATHAN WOODY. It was learned through the investigation that the Victim deleted many of his messages with WOODY. As a result, the forensic examination did not capture dates and times associated with the messages. Below are some of the messages that "Jonny" sent to the Victim that were recovered from the Victim's phone:

- "Lol I didn't even ask that much questions I just wanted to know if you wanted to skip today that's all and if you're still in middle school you said you was 13??"
- "And are you 420 friendly bae"
- "Awww bae you good you gon let me eat your 🍌🍷😋"

- “Aww first time you’ll gon love it bae”
- “We can go back to my hotel room or your crib if we can”
- “It’s actually a black town and country Chrysler and it’s not too far from you”
- “Yeah it’s coming now and Greece”
- “Noo you already headed to me now don’t scared”

10. In this communication, WOODY specifically acknowledged that the Victim was a minor. Based on my training and experience, I know that the question “are you 420 friendly bae,” refers to WOODY asking if the Victim smokes marijuana, and the word “Bae” is another term for “babe.” The peach emoji used by WOODY is a reference that WOODY wanted to perform oral sex on the Victim (a peach emoji is a reference to a person’s buttocks). WOODY’s reference to “a black town and country Chrysler and it’s not too far from you” is consistent with WOODY sending an Uber to pick up the Victim on January 3, 2024.

Interview of the Victim

11. On January 11, 2024, the Victim was forensically interviewed at the Bivona Child Advocacy Center. In sum and substance, the Victim disclosed that he communicated with an adult male (WOODY) over the phone. The Victim disclosed that WOODY repeatedly asked if the Victim wanted to “do it” (have sex). When the Victim agreed, WOODY sent an Uber to pick the Victim up at a location in Penfield. The driver then picked up WOODY in Rochester and brought WOODY and the Victim to the hotel. While at the hotel, WOODY provided alcohol and marijuana. The Victim reported that he told WOODY that he was underage. WOODY responded by stating something to the effect of WOODY being the “first and only one he [the Victim] would do it with because of his age.”

12. The Victim disclosed that he and WOODY engaged in oral and anal sex while at the hotel, after which WOODY commented that it was “weird to do it with someone so young.” The Victim recalled WOODY taking videos of the Victim naked in the hotel room. The Victim indicated that he ultimately felt uncomfortable and asked WOODY to call for an Uber, after which the Victim left.

13. On January 17, 2024, the Victim positively identified WOODY in a photo array. The Victim also was shown photographs of the hotel room and the sweatshirt with the red number “3” that was recovered from the room. The Victim confirmed that the hotel room was the same room that he was in with WOODY and confirmed that the sweatshirt belonged to him. The Victim could not recall if he exchanged photos with WOODY and indicated that he believed the photos taken in the hotel room were taken using his phone.

AT&T Subpoena

14. A subpoena was sent to AT&T for subscriber information associated with the phone number 585-XXX-2611, the number that WOODY used to communicate with the Victim. AT&T responded and indicated the 585-XXX-2611 is associated with Cricket. Subscriber information provided to law enforcement for this phone number revealed the following:

JONATHAN WOODY
MSISDN Active: 10/23/2023 - Current

15. AT&T also provided call records showing that 585-XXX-2611 was used to communicate with the Victim from January 1, 2024, through January 3, 2024. The records

further indicated that numerous text messages were sent between WOODY and the Victim (the content of the messages cannot be acquired via subpoena).

Interview of WOODY

16. On March 1, 2024, members of the MCSO took WOODY into custody based on unrelated state charges. WOODY's phone, a Motorola Model: XT2313-4 smartphone, was seized incident to arrest and WOODY was transported to the MCSO C-Zone substation where he was interviewed.

17. After waiving his *Miranda* rights, WOODY spoke with investigators, during which time he admitted meeting the Victim, despite knowing that the Victim was only 13 years old. WOODY stated that he first met the Victim on a social media platform and that the two continued to communicate through text message.

18. WOODY identified his phone number as being 585-XXX-2611 and stated that he was the only user of the phone. WOODY indicated that the phone taken by law enforcement was the phone that he used to communicate with the Victim.

19. WOODY admitted that he engaged in "intercourse" with the Victim and that WOODY received oral sex from the Victim. WOODY was shown a photograph of the text message "Awww baee you good you gon let me eat your (🍆💩👄)" that he sent to the Victim. WOODY admitted that the text referred to oral sexual conduct with the Victim, specifically between the mouth and buttocks.

20. When asked, WOODY admitted that he requested that the Victim send him photographs and that he received at least one photograph of the Victim in his underwear. WOODY admitted that he sent a video of himself masturbating to the Victim via text

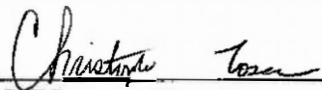
message. WOODY stated that he deleted his messages with the Victim, including the photos and video that were exchanged.

21. WOODY's Motorola phone, which he used to communicate with the Victim, was manufactured in China, and has therefore travelled in and affecting interstate and foreign commerce. WOODY used the Uber application in order to transport the Victim to the hotel and first communicated with the Victim via social media, both of which operate via the internet.


22. Pursuant to New York State Penal Law § 130.45(1), it is the felony crime of Criminal Sexual Act in the Second Degree for a person over the age of 18 to engage in oral sexual conduct or anal sexual conduct with a person less than fifteen.

Conclusion

23. Based on the foregoing, I respectfully submit that there is probable cause to believe that JONATHAN WOODY, using a means of interstate and foreign commerce, that is, a cellular phone and the internet, did knowingly persuade, induce and entice the Victim, who had not attained the age of 18, to engage in sexual activity for which he could have been charged with a criminal offense, in violation of 18 U.S.C. § 2422(b).


CHRISTOPHER TOSCANO
Task Force Officer
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d) on March 7, 2024.


MARK W. PEDERSEN
United States Magistrate Judge